

Appln. No. 09/755,752  
Amdt. dated: June 10, 2004  
Reply to Final Office Action dated March 10, 2004

### REMARKS

These remarks are set forth in response to the Final Office Action mailed March 10, 2004, (the "Final Office Action"). As this response has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required.

This Patent Application claims priority to Provisional Patent Application No. 60/175,350, filed January 10, 2000. At the time of the Final Office Action, claims 1-24 were pending in the Patent Application. Claims 1-2, 5-10, 12-14, 17-22 and 24 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,300,881 to Yee, et al. ("Yee"). In addition, claims 3-4 and 15-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yee in view of previously cited Patent No. 5,666,364 to Pierce, et al. ("Pierce"). Claims 11 and 23 are also rejected under §103(a) as being unpatentable over Yee in view of previously cited Patent No. 5,923,648 to Dutta ("Dutta").

Regarding the rejections under 35 U.S.C. § 102(e) and §103(a), Applicant does not believe that Yee can be reasonably construed to disclose or suggest Applicant's invention. However, this point is rendered moot because Applicant notes that Yee is not an appropriate reference against Applicant's claimed invention based on information supported herein. Included with this Reply is a Declaration of inventor Terry L. Williams under 37 C.F.R. § 1.131 in support of Applicant's position.

In the Declaration, the Inventor identifies an Invention Disclosure document which clearly discloses the claimed elements of the invention being conceived prior to the earliest effective filing date that could be accorded to Yee as a reference, namely, May, 1999. Further, in the Declaration the Inventor has sworn that he has developed

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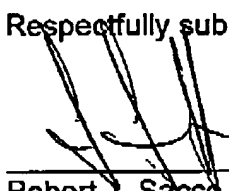
the invention with due diligence until actual reduction to practice. A redacted copy of the Invention Disclosure is provided and labeled as Exhibit A.

Accordingly, based on evidence presented herein regarding conception of the invention prior to June 9, 1999 and subsequent reduction to practice with due diligence, Applicant has established prior invention of the claimed subject matter over Yee pursuant to 37 C.F.R. § 1.131(b) and MPEP 715.07. Therefore, Applicant requests the withdrawal of Yee as a basis for the rejection of Applicant's claims.

Applicant submits that his invention is not disclosed or suggested by any citeable art. Accordingly, it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance.

Respectfully submitted,

Date: 6/10/04

  
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